



VOL. CXVI

LONDON: SATURDAY, MAY 17, 1952

No. 20

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NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employer, is exempted from the provisions of the Notification of Vacancies Order, 1952. Note: Barristers, Solicitors, Local Government Officers, Police Officers and Social Workers are exempted from the provisions of the Order, as is employment in a managerial, professional, administrative or executive capacity.

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COUNTY BOROUGH OF HALIFAX

Appointment of Assistant Solicitor

APPLICATIONS are invited for the appointment of Assistant Solicitor.

Salary in accordance with A.P.T. Grades Va (£600—£660)—VII (£685—£760) according to experience.

The appointment is subject to one month's notice, and subject to medical examination.

Applications, to be sent to the undersigned, with names of two referees, on or before May 28, 1952.

RICHARD DE Z. HALL,
 Town Clerk.

Town Hall,
 Halifax.
 May 10, 1952.

BOROUGH OF WORKINGTON

Deputy Town Clerk

APPLICATIONS are invited from Solicitors with local government experience for the above appointment at the salary of Grade VIII A.P.T. (£735—£810).

The post is superannuable and the successful candidate will be required to pass a medical examination.

Applications, with the names of three referees, should reach me not later than May 30, 1952.

Canvassing will disqualify.

Housing accommodation will be made available if required.

JOHN R. COCKFIELD,
 Town Clerk.

Town Hall,
 Workington.
 May 7, 1952.

BOROUGH OF SCARBOROUGH

Appointment of Assistant Solicitor

APPLICATIONS are invited from solicitors for the appointment of Assistant Solicitor. Salary A.P.T. VA (£600-£660). Previous local government experience will be an advantage.

The appointment is subject to the Local Government Superannuation Act, 1937, and to medical examination, and terminable by one month's notice.

Applications, stating age, education and experience, together with copies of two recent testimonials, and endorsed "Assistant Solicitor" must reach me not later than May 21, 1952.

E. HORSFALL TURNER,
 Town Clerk.

Town Hall,
 Scarborough.
 May 7, 1952.

BOROUGH OF NUNEATON

APPLICATIONS are invited from Solicitors with considerable local government experience for the appointment of Deputy Town Clerk. Salary Grade X (£870—£1,000).

The successful candidate will also be recommended for appointment as Superintendent Registrar.

Further particulars from the Town Clerk, Council House, Nuneaton, by whom applications must be received not later than May 24.

COUNTY BOROUGH OF CARLISLE

Assistant Solicitor

APPLICATIONS are invited for the above appointment. Salary within Grades Va/VII of the National Scale according to experience and qualifications. Local government experience is desirable but not essential.

The appointment is subject to (a) the Local Government Superannuation Act, 1937; (b) a medical examination; (c) the National Conditions of Service.

Applications, with two testimonials, to be received by Monday, May 26.

Canvassing will disqualify.
H. D. A. ROBERTSON,
 Town Clerk

Town Clerk's Office,
 Carlisle.
 May 1, 1952.

EASTERN ELECTRICITY BOARD

Appointment of Section Head (Legal)

APPLICATIONS are invited from Solicitors for the appointment of Section Head (Legal), in the department of the Secretary and Solicitor to the Board.

The person appointed will be responsible to the Secretary and Solicitor for the work of the Legal Section at Board Headquarters.

The salary will be fixed within the range £1,525 p.a. to £1,750 p.a. and future salary and conditions of service will be in accordance with agreements made from time to time by the appropriate negotiating bodies.

The successful candidate will be required to contribute to a superannuation scheme, and may be required to undergo a medical examination.

Applications, to arrive not later than May 30, 1952, should be submitted to the Secretary, Eastern Electricity Board, Wherstead, Ipswich, Suffolk.

HAMPSHIRE COMBINED PROBATION AREA

Appointment of Full-Time Male Probation Officers

APPLICATIONS are invited from persons who have had experience and/or training as Probation Officers for the appointment of two full-time Male Probation Officers for the above area. Candidates must be not less than 23 nor more than 40 years of age (except in the case of serving officers).

The appointments and salaries will be in accordance with the Probation Rules and the salaries will be subject to superannuation deductions.

Applications, giving particulars of age, education, present salary, qualifications and experience, with the names and addresses of not more than three persons to whom reference may be made, should be submitted to the undersigned not later than May 26, 1952. Canvassing, either directly or indirectly, will be a disqualification.

G. A. WHEATLEY,
 Clerk to the Probation Committee.

The Castle,
 Winchester.
 May 5, 1952.

CITY OF LIVERPOOL

Appointment of Probation Officers

APPLICATIONS are invited for the appointment of one female and one male Probation Officer (whole-time).

Applicants must be not less than twenty-three years of age, nor have reached their fortieth birthday unless at present serving as full-time Probation Officers.

The appointments will be in accordance with the Probation Rules, and the successful applicants will be required to pass a medical examination and to contribute to a superannuation fund.

Forms of application can be obtained by sending a stamped and addressed envelope to the undersigned, and must be completed and returned not later than May 24, 1952.

H. A. G. LANGTON,
 Clerk to the Justices and Secretary
 to the Probation Committee.

City Magistrates' Courts,
 Dale Street,
 Liverpool 2 (JA. 2909).

Justice of the Peace and Local Government Review

[ESTABLISHED 1887.]

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NOTES of the WEEK

Notes on Juvenile Court Law

Mr. A. C. L. Morrison, C.B.E., well known to our readers as the editor of *Clarke Hall and Morrison* and other works, has prepared a second edition of *Notes on Juvenile Court Law*, a summary of the principal statutes and statutory instruments dealing with children and young persons appearing before juvenile courts, together with some provisions relating to adoption. While these notes do not pretend to be the complete guide to juvenile court law, they are an invaluable index from which to work. They summarize clearly and accurately the main provisions, and give references to enable the reader to look up in greater detail any particular point he wishes to refer to. Justices and others whose duties take them into the juvenile courts will, we feel sure, be very glad of this up-to-date summary of the law with which they are concerned. It is often difficult to find, on the spur of the moment, the particular provision one wants, and the average text-book is too big to be carried about easily. Here we have, in convenient size and form, the necessary information always ready-to-hand, for easy reference. The notes are arranged in parts under suitable headings, and there is a sufficiently full index. They are published by the *Justice of the Peace and Local Government Review* and can be obtained for the small sum of half-a-crown. We can confidently recommend them to our readers and to others concerned with this important part of the work of courts of summary jurisdiction.

Arrest and Detention

The decision of the House of Lords in *John Lewis and Co., Ltd. v. Tins*, p. 295, *ante*, will be a source of satisfaction to many persons and undertakings besides the appellant's, as it recognizes the reasonableness of an existing practice in relation to the arrest and detention of persons suspected of such offences as shoplifting.

The case arose out of an incident at the store of the appellants which had led to the arrest by two detectives employed by the appellants, on a charge of shoplifting, of a mother and daughter. Eventually the charge against the mother was withdrawn, their being no evidence against her, and she brought an action for malicious prosecution and false imprisonment. The House of Lords had ultimately to decide the question of false imprisonment. The plaintiff based her claim on the fact that the store detectives who had arrested her, had taken her back to the appellants' office, and that she was detained there against her will and not taken immediately before a justice. Damages were awarded to her, which were increased by the Court of Appeal.

Lord Porter, in the course of his speech, said that after the mother and daughter had been arrested they were taken back to the office of the chief detective at the store, and they were detained there against their will until the chief detective and a managing director had been summoned to the office and an account had been given to them of what the detectives had observed. They were later taken to the police station and released on bail. The appellants justified their actions by saying that it was undesirable that their detectives, who must of necessity be subordinate officials, should be entrusted with the final decision whether a prosecution should take place or not. Indeed, it was, they said, in the interest of the person arrested that, however conclusive the evidence should appear against him, he should have the opportunity of stating what he had to say, and that in a proper case he should avoid the publicity of a public trial. It was obvious that in the case of arrest by a private person the person arrested should be entrusted to some official care as soon as possible. There were advantages in leaving the decision whether or not to prosecute to some superior official. The real point in the present case was whether the persons arrested had been brought before a justice within a reasonable time, bearing in mind that that time should be as short as is reasonably practicable.

The appeal was allowed by the House. Lord Morton of Henryton expressing the opinion that the regulation made by the appellants that only a managing director or general manager was authorized to institute a prosecution was reasonable.

Illiterate Youths

It is always astonishing to find in these days young people who, though not mentally deficient, have completed their school life and remained entirely illiterate. Even among the aged there are few today who are in this condition, for we have had compulsory education for several generations.

A Birmingham paper reports the case of two youths aged nineteen who appeared at Walsall quarter sessions charged with factory breaking and stealing and who were stated by a probation officer to be unable to read or write, except for signing their names. The learned Recorder asked how they managed to get through school and was told by the probation officer that it was by moving up from class to class by age and not on an educational basis. The probation officer added that the boys had sat together at school and kept so quiet that they were not noticed; they talked quietly together or played noughts and crosses or something of that sort.

If the probation officer's information was correct, this case shows once again the possibility that children can avoid being educated even though they attend school. We have no knowledge on the point, but we should be surprised if the cause in

this instance was not to be found in classes so large that teachers were quite unable to give pupils individual attention. If there were occasional test papers, the boys might contrive to be absent, although we should have thought that there would be written work often enough for discovery to take place eventually. As to promotion by age and not by examination, it is no doubt considered impracticable to keep a backward boy in one class for a long time until he is noticeably much older than his classmates, but it would seem reasonable to attach some weight to attainment as well as to age.

Everybody laments the size of present day classes, the causes of which are well-known. We can be sure that no one dislikes the state of affairs more than the teachers do, since they must often feel that they hardly know their pupils and cannot give them the help they would wish.

The case is astonishing, and must be rare if the facts are as stated, and we cannot help thinking there may be some explanation which did not emerge in the court proceedings.

Paper in a Bottle of Milk

We are indebted to Mr. R. S. Forster, Town Clerk of Willesden, who has been kind enough to send us details of the case, not reported by name, to which we referred in our answer to P.P. 4 at p. 268, *ante*. It is *Thomas v. The Mayor, etc., of Willesden*.

The appellant was summoned under s. 9 of the Food and Drugs Act, 1938, in respect of the sale of a bottle of milk containing some paper. According to the evidence there was some blue paper at the bottom of the bottle of milk, which may have been part of the wrapping of a razor blade. The appellant could not explain how the paper had got into the bottle, and there was evidence as to the precautions taken in cleansing and filling the bottles. In any case it was contended by the appellant that the paper was sterile and harmless. The justices convicted the appellant.

Upon an appeal by Case Stated the conviction was quashed. The Lord Chief Justice observed that the appellant was not charged with adulteration. What he sold was the milk. The article was sterile and harmless. He could not understand why the prosecution was instituted or why the magistrates should have imposed a fine of £5. There was no evidence to support the finding of the magistrates, and the appeal would be allowed with costs.

Mr. Forster points out in his letter that it remains a question whether, if the prosecution had been under s. 3 of the Act, it might have succeeded.

N.A.P.O.

These initials have become so well known that it seems hardly necessary to say that they stand for National Association of Probation Officers, whose report for the year 1951 has just been issued.

Naturally, such an association concerns itself with salaries, status and conditions of service of its members, but that is not its most important function. As this report states: "It is essential that all parts of the Association's work should be developed and that any impression that it is only a negotiating body concerned about the personal interests of probation officers should be removed."

The opinion of the Association is sought on many matters, and it frequently makes recommendations or submits memoranda on the treatment of offenders and other social questions. When the subject of suspended sentence was very much in the

air, the Association discussed it, published articles representing both points of view, in its excellent journal *Probation*, and finally expressed its opinion against the introduction of suspended sentences. Since probation officers are much concerned with matrimonial and family difficulties generally, they were naturally interested in the Royal Commission on Divorce, and felt that "a complete investigation into the present state of the law in Great Britain and other countries, and their social and economic effects would in the end be of the greatest benefit to the community". Evidence was invited by a committee appointed by the Minister of Education to inquire into the treatment of mal-adjusted children within the educational system, another problem with which probation officers, especially those who have experience in juvenile courts, are only too familiar. After-care of prisoners also received their attention.

The probation service is now thoroughly established and well-organized. It is becoming constantly more understood, so that there is increasing co-operation forthcoming from other bodies, official or voluntary, which are in some way concerned with the same problems. In all this, N.A.P.O. plays an important part.

Suspicion of Adultery as Defence to Allegation of Neglect to Maintain

In *Glenister v. Glenister* [1945] 1 All E.R. 513 it was laid down that where the wife gives reasonable cause for belief that she has committed adultery and does not give an explanation of her conduct, the husband is not guilty of desertion if he leaves her because he believes she has committed adultery.

In *Chilton v. Chilton* (*The Times*, April 24) the husband appealed against the order of a magistrates' court, which order had been made on the ground of wilful neglect to maintain, a summons for desertion having been dismissed. It was stated that the husband had turned his wife out after a quarrel in which she told him that she had committed adultery. At the hearing before the justices they found there was insufficient evidence to prove the alleged adultery.

In delivering his judgment in the Divisional Court the President said that the case raised the question, upon which there was no direct authority, whether *Glenister v. Glenister* was applicable to cases of wilful neglect. Lord Merriman said that it had been agreed, that, whatever the future implications of the justices finding that there was insufficient evidence to establish adultery, the case should be judged on the position at the time of the hearing and before the finding as to adultery. He approved of the justices finding on the question of desertion, but he had difficulty in understanding why in such circumstances there should be any distinction between desertion and wilful neglect to maintain. The order of the justices should be set aside.

Pearce, J., who concurred, said that in the absence of agreement between the parties the duty to cohabit and the duty to maintain were coextensive, and that where a husband was excused from his duty to cohabit, he could not be held guilty of a wilful neglect to maintain.

As to the future position of the parties, that may presumably be affected by some further action that may be taken. In *Allen v. Allen* [1951] 1 All E.R. 724, to which the learned President made reference, where a wife's petition for conjugal rights had been dismissed on the ground of the husband's reasonable suspicions of adultery, but subsequently the husband's petition for divorce based on the same evidence was dismissed, it was held in the Court of Appeal that once the alleged adultery of the wife had been the ground of a petition for

divorce which had failed, the husband was no longer entitled to resist the wife's claim for maintenance on the ground that, *bona fide* and on reasonable grounds, he believed that she had committed adultery, and, therefore the wife was entitled to maintenance.

Local Co-operation in the National Health Service

The manner of approach, method of survey, and evolution of answer by the committee of the Central Health Services Council appointed to consider and report on co-operation between various authorities will receive wide approval. Their description of the general problem of co-operation between the three statutory branches of the national health service is brief but informative, penetrating and indicative of deep understanding. The three statutory branches are (i) regional hospital boards, hospital management committees and boards of governors of teaching hospitals; (ii) local authorities; and (iii) executive councils. Information with regard to numbers of different types of authorities is followed by the penetrating remark that clearly the geographical pattern is so complicated that any one authority must find it difficult to be conscious of its "opposite number." Depth of understanding is indicated by several comments, notably that all concerns which surpass the grasp of one individual reveal difficulties of internal co-ordination and integration, and that the central planning staff can do a certain amount but the greater the delegation to the periphery, the greater the problem of maintaining internal cohesion.

Scores of headings under which co-operation between local health and other authorities is necessary, listed in the committee's report, embellish an impressive case for ensuring that there is effective machinery for such co-operation. The survey of illustrative forms of co-operation already in existence shows that much has already been achieved, to some extent by a degree of "interlocking membership" of statutory bodies established under the National Health Service Act, 1946, by standing joint committees on special subjects, by overall liaison committees at hospital region and local levels, and in other ways. The main functions of a monthly conference held by the medical officer of health of the London County Council at officer level indicate the scope of regional co-operation; these functions are (i) to uncover weaknesses in the administrative machine and try to rectify them; (ii) to discuss new developments in their formative stage and try to devise the best working procedure; and (iii) to act as a forum for the discussion of difficulties and to pool the knowledge and experience of its members. Frequency of local liaison committees may safely be assumed from illustrations given in the committee's report from places as far apart as South Shields, Plymouth and Essex.

By a process of elimination, the committee came to the conclusion that a solution of the problem of co-operation must be sought by the creation of standing joint consultative committees at the local level, meaning by "local" at the level of the individual local health authority, executive council or hospital management committee. Division of opinion occurred within the committee on the necessity and possibility of establishing satisfactory joint consultative committees at regional level within the existing framework of the national health service, but they were unanimous that it is of prime importance to secure co-ordination at the local level. Accordingly, the committee propose that the Minister of Health should circulate the advice given to him in their report to the statutory bodies and other local authorities, and invite each regional hospital board to consider taking the initiative in calling a preliminary regional conference, subject to modified procedure in the Metropolitan

area, with the two objects of (i) reviewing the extent and discussing the promotion of co-operation between the various bodies in the national health service, and (ii) delimiting local health service areas and creating local joint health consultative committees for them. The views expressed in the committee's report emerge from a membership so distinguished, experienced and practised in general and particular administrative science that there should be instant assent to their assertions that it is no longer enough to let the problem of co-operation drift, only to be tackled in places and at times where personalities permit and where pressing questions demand, and that a regular structure is wanted which will make members and officers of authorities conscious of joint problems and provide a regular opportunity for their joint discussions.

The Conseil D'Etat

We have previously called attention in these Notes to papers by Mr. C. J. Hamson upon the *Conseil d'Etat*. In *The Times* of February 20 and 21, 1951, Mr. Hamson gave the non-legal public possibly the best modern account of this feature of continental jurisprudence, and the *Law Quarterly Review* for January, 1952, contains an article covering nearly thirty pages, expanded from his popular account. As he says, not much has been published in England about the *Conseil d'Etat*; there is in France a vast literature upon the subject, but most of this is not easily accessible in England even to the serious student. As Mr. Hamson points out, it is not the business of the comparative lawyer to determine whether one system is better or worse than another. His task essentially is to present the comparison, so that the law reformer and the legislator may be able fairly to determine whether there is anything to be learned from a foreign system. No person with experience (says Mr. Hamson) would suggest that the institutions of one country are necessarily proper to another: one reason is that no legal institution is an isolated phenomenon. For its successful working it implies a series of assumptions or habits, themselves often the product of long historical development. (It might be wished that this warning could be understood by some eager advocates of supposed "progress" in colonial countries). Mr. Hamson is, we infer, warning his readers against its being supposed that he is advocating adoption in this country of anything based upon or closely resembling the *Conseil d'Etat*, but it does not by any means follow that England has nothing to learn from studying the operation of the *Conseil*. Behind all the talk in this country about the wickedness of departmental jurisdiction, and the dangers of setting up tribunals different from the normal law court, English law and lawyers have, throughout this century, been feeling their way towards judicial institutions adapted for dealing with issues in which one party is, and both parties may be, acting on behalf of the State or of a large section of the State. There is, therefore, much to be gained from studying the method by which parallel problems have been handled in a country like France, which has made its approach to them more openly.

Its Contentious Jurisdiction

Of special interest, we think, is the account of the *Conseil's* procedure in a litigious matter. As much as possible of the case is reduced to memoranda and counter-memoranda, with the same general object as our English "pleadings," or the sending to-and-fro for observations of (say) an objection to proposed byelaws, submitted by parties affected thereby to an English "confirming authority." This mass of material is examined by a "subsection" comprising three members of the *Conseil*, after which a different subsection, coming newly to the case,

joins the first, under the chairmanship of the *President de la Section du Contentieux*, with a *rapporteur* (or secretary) and the senior among the *maîtres de requêtes*—the rank in the office next below the *conseillers* properly so called. These nine persons give a public hearing to the parties. French lawyers attach much value to this mingling of judges who have with those who have not already studied the case. It must, certainly, with so large an adjudicating body, lead to a very full examination and explanation of the material—for, remember, these persons include no “passengers,” as a committee in ordinary governmental business might do. Moreover, at the preliminary investigation by the one subsection, and at the final discussion by the two, other members of the *Conseil* may join in (i.e., at all stages except the public hearing), and express opinions, without a right to vote. Counsel are heard at the public sitting, but briefly, for the “united subsections” already have on paper everything that can be said. The *rapporteur* sets out the points which have to be decided, but without at the public sitting expressing any opinion upon them. Then follows what is to French eyes the most valuable, and to English eyes the strangest, feature of the system, namely that the *commissaire du gouvernement* proceeds to address the court upon all aspects of the case. The only two English parallels we can think of are, first, the Judge Advocate at a court martial, though this parallel is far fetched, and secondly the interventions of the Attorney-General in some Chancery cases, on behalf of the Sovereign as *pater patriae*. The *commissaire* is not the mouthpiece of the executive: if the executive has a *locus standi*, or a point of view to put, it must appear by counsel. The *commissaire's* duty is not merely to deal with what the parties have submitted, and

indeed the first subsection in handling written material is not limited to what the parties choose to put before it. At each stage the object is to get to the bottom of the case, both fact and law. There was some years ago a dispute before a committee of the House of Commons, between two major local authorities. The chairman desired to hear representatives of the Ministry of Health upon “the public interest,” whereupon Mr. Maurice Fitzgerald, K.C. (whose recent death is so much to be regretted), objected that: “... The only interests here are those represented by my learned friend and myself.” (It may be mentioned that this was in the middle of the war, and that the especial public interest not represented by either party was the probable effect of the proposed Bill on the output of munitions). Mr. Fitzgerald's might be called the classical line of common law—a *lis* is always *inter partes*. The approach of the *section du contentieux* in the *Conseil d'Etat* is that justice must be done not merely as between the parties but, so far as possible, in the abstract. The *commissaire's* function is therefore exceedingly important; his speech is reported, and, if he is a man of standing, will be found used as a precedent. The “united subsections” then close the hearing. They deliberate in private, accompanied by the *rapporteur*, who is a voting member of the tribunal (which is why his public statement of the issues has to avoid expressing an opinion), and by the *commissaire*, who can speak again in their deliberations but has no vote, and they deliver a written judgment some time later. One can hardly imagine any similar procedure grafted on to English institutions, but it is as hard to deny that something of the sort might be peculiarly apt for settling many modern English problems which English orthodoxy has not found a satisfactory means of solving.

CAVEAT VICINUS

We have from time to time advanced the proposition that this country will not be entitled to be considered civilized, until it finds some means of compensating a weaker party damaged by a stronger (when the weaker has been passive and the damage has resulted from activity by the stronger), without putting on the weaker the necessity for proving affirmatively that the stronger has been negligent or that the activity was wrongful. True, some progress has been made—witness advances in motor car insurance; in the sphere of workmen's compensation, and in relation to “common employment.” But the scales are still too heavily weighted in favour of the richer litigant, especially when he is a local authority or other public body. A curious example is afforded by the recent county court case of *Greenwell v. Prison Commissioners* (1951) 10 F.L.J.N. 486. A borstal inmate had escaped from an institution run upon the “open” principle; the object of this has been unkindly said to be to let the boys taste the outside world, so that they may realize how much easier is life in borstal. In 1949, out of an average of 292 boys in the institution, mostly thieves, 172 had escaped, and in January, 1950, two of them broke into the plaintiff's garage and stole his motor lorry. One of the boys had seven convictions for larceny and housebreaking, the other five, and the latter had already escaped from borstal on three previous occasions.

At first sight, plaintiff might seem to have had a cast-iron claim upon *May v. Burdett* (1846) 16 L.J.Q.B. 64, for what is the difference between a borstal boy and a monkey? Even if he is not a wild animal like the elephant in *Filburn v. People's Palace* (1890) 55 J.P. 181, the principle was extended to semi-domesticated animals (camels) in *McQuaker v. Goddard* [1940] 1 All E.R. 471, and the damage to the plaintiff arose from the defendants' having “kept” the animals in question in captivity

—but not having kept them efficiently: *Mitchell v. Alestree* (1677) 1 Vent. 295. However, the principle, which is that of *Rylands v. Fletcher* (1868) 33 J.P. 70, was held not to be applicable because the Prison Commissioners were under a statutory duty to maintain their menagerie, though not to maintain it in the place or manner which gave rise to the injury to the plaintiff. Plaintiff had therefore to show that they had been negligent in their choice of a place or their manner of carrying out their obligation. The mere adoption of the “open” borstal system was not, in the learned judge's opinion, negligent, because statistics showed that boys confined on that system showed a higher percentage of reformed characters than those closely confined. Upon the particular facts, however, there was negligence, especially since both boys were, so far, of confirmed bad character and one was a confirmed absconder. The plaintiff was, therefore, entitled to succeed. So far, so good. But the case appears to show what is not so good: that the reforming of young thieves involves, or may involve, exposing householders in the neighbourhood of a borstal institution to a risk greater than that borne by householders in general. This seems wrong. A collection of some two hundred active and able bodied young criminals is surely as objectionable as an infectious hospital: *Metropolitan Asylum District Managers v. Hill* (1881) 45 J.P. 664, or even a powder magazine: *Crowder v. Tinkler* (1816) 19 Ves. 617. If the public, as represented by the Prison Commission, deem it necessary to make such a collection in the neighbourhood of other inhabited property, and to keep the collection otherwise than under lock and key, then the least they should be made to do would be to hold those inhabitants insured against resulting damage—without its being put on an injured complainant to prove *scienter* in the case of the particular absconder.

NEW STREETS ACT, 1951

This short Act, which consists of eleven sections, secured the Royal Assent on July 3, 1951, and is designed to procure the satisfactory construction, lighting, sewerage, furnishing and completion of streets adjacent to new buildings and to oblige and empower local authorities to adopt such streets. Under s. 11 (2) the Act came into operation on October 1, 1951. By s. 9, the Act does not apply to Northern Ireland. By s. 9 also the Act only applies in boroughs (excluding metropolitan boroughs) and urban districts in England and Wales. Subsection (2) of the same section enables the Minister of Housing and Local Government on the application of a county council and after consultation with the rural district council concerned by order to apply the Act in any rural district within the county. This power is exercisable by statutory instrument and any such instrument will be subject to annulment in pursuance of a resolution of either House of Parliament.

Section 1 of the Act makes provision as to payments to be made by owners of new buildings in respect of street works. Where it is proposed to erect any building for which plans are required to be deposited with the local authority in accordance with building byelaws, and the building will have a frontage on a private street, no work shall be done for the purpose of erecting the building unless the owner of the land on which it is to be erected, or a previous owner, has paid to the local authority, or secured to the satisfaction of the authority, the payment to them of the sum which may be required under s. 2 of the Act in respect of the cost of street works. Contravention of the foregoing subsection is made an offence punishable on summary conviction, but proceedings may only be taken by the local authority. Subsection (3) sets out a series of exceptions to the application of the section. For example, the section does not apply where the owner of the land on which the building is to be erected will be exempt, by virtue of any provision in the appropriate private street works code, from liability to pay expenses incurred in respect of street works in the private street in question.

"The appropriate private street works code" is elaborately defined in s. 10 of the Act and means:

(a) In any county borough or county district in which the Private Street Works Act, 1892, is in force, that Act and any local Act amending that Act;

(b) In any county borough or county district in which there is in force any local Act which contains provisions regulating the procedure relating to the execution of street works and payments in respect thereof, that local Act;

(c) In any county borough or county district in which ss. 150, 151, and 152, of the Public Health Act, 1875, are in force, those sections and s. 41 of the Public Health Acts Amendment Act, 1890, and any local Act amending any of those sections:

Provided that if in any county borough or county district there is in force a local Act referred to in sub-para. (b) of this definition and also either the code referred to in sub-para. (a) or the code referred to in sub-para. (c), the council of that borough or district shall, in the case of any private street in the borough or district, by resolution determine whether the said local Act or such one of the other codes as is so in force is to be the appropriate street works code for the purposes of the Act in relation to that street and shall publish any such resolution by advertisement in one or more newspapers circulating within the borough or district or otherwise in such manner as the council thinks sufficient for giving notice thereof to all persons interested.

There are, besides the foregoing, nine other exceptions to the application of the section.

These include: "(C) in a case where plans for the building have been deposited with the local authority in accordance with building byelaws before the commencement of this Act."

Section 10 (3) of the Act defines "building byelaws" as having the same meaning as in the Public Health Act, 1936. That Act defines the expression as meaning byelaws made under Part II of the Act with respect to buildings, works and fittings and includes also byelaws made with respect to those matters under any corresponding enactment repealed by the Act, or under any such enactment as amended or extended by a local Act; and "(E) in a case where the local authority, being satisfied that the street or such a part thereof as aforesaid is not, and is not likely within a reasonable time to become, sufficiently built-up to justify the use of powers under the appropriate private street works code for securing the carrying out of street works in the street or part thereof, by notice in writing exempt the building from this section."

Section 2 of the Act deals with the determination of liability for, and amount of, payments.

It provides in subs. (1) that in any case where s. 1 applies the local authority shall, within one month after the plans of the building deposited in accordance with building byelaws have been passed, serve a notice on the person by or on whose behalf the plans were deposited, requiring the payment or the securing under s. 1 of a sum specified in the notice.

The provisions of ss. 283, 284, and 285 of the Public Health Act, 1936, which relate to the form, authentication and service of notices are applied for the purposes of this Act by s. 8.

The sum to be specified in a notice under the preceding subsection shall be such sum as, in the opinion of the local authority, would be recoverable under the appropriate private street works code (as defined, *supra*) in respect of the frontage of the proposed building on the private street if the authority were then to carry out such street works in the street as they would require under that code before declaring the street to be a highway repairable by the inhabitants at large (s. 2 (2)). "Street works" means "Any works for the sewerage, paving, metalling, flagging, channelling, making good and lighting a street, and "paving, metalling and flagging" includes all methods of making a carriageway or footway" (s. 10). By subs. (4) of s. 2 not later than one month after the service of the notice under subs. (1), *supra*, the person on whom the notice is served and the owner of the land upon which the building is to be erected may appeal to the Minister, and the Minister may substitute a smaller sum for the sum specified by the local authority.

Section 3 of the Act provides that sums paid or secured in the manner indicated, *supra*, are to be in discharge of further liability for street works, where a sum has been paid or secured under s. 1 of the Act the liability of the owner concerned in respect of the carrying out of street works under the appropriate code shall be deemed to be discharged to the extent of the sum so paid or secured and to that extent only, and if, when the street is declared to be a highway repairable by the inhabitants at large, the said sum is found to exceed the liability aforesaid in respect of that frontage or there is a liability because the street was not made up at the expense of the local authority.

(a) If the sum was paid, shall refund the amount of the excess or the whole sum to the person who is for the time being owner of the land;

(b) If the sum was secured and the person whose property is security for the payment thereof is for the time being owner of the land, shall release the security to the extent of the excess or, as the case may be, the whole security;

(c) If the sum was secured and the person whose property is security for the payment thereof is not for the time being owner of the land, shall pay to that owner the amount equal to the excess or, as the case may be, the whole sum and shall be entitled to realize the security for the purpose of recovering the amount so paid.

The same subsection makes provision for subsequent severance of ownership of the land in respect of which a sum has been so paid or secured; subs. (2) makes interest payable at three per cent. where this has been paid and not merely secured. Section 4 provides that a determination under s. 2, *supra*, shall cease to have effect when plans are not proceeded with. The local authority may declare under s. 66 of the Public Health Act, 1936, that the deposit of the plans shall be of no effect; or, before any work has been done for the purpose of erecting the building, the owner may give notice in writing to the local authority of his intention not to proceed with the building. If a determination is of no effect, or any sum or security has been given, the local authority must either refund the sum with interest, or release the security, or pay to the owner the amount of the sum

and realize the security for the purpose of recovering the amount, whichever course is appropriate to the circumstances.

Section 6 of the Act deals with the power of frontagers to require the adoption of private streets. A majority of the owners of land having a frontage to any built-up street or the owners of more than half the aggregate length of all the frontages on both sides of the street may request the local authority in writing to exercise their powers under the appropriate street works code in order:

(a) To secure the execution of such street works in that street as the local authority require under that code before declaring the street to be a highway repairable by the inhabitants at large, and

(b) To declare the street to be such a highway. In connexion with relevant street frontages subs. (3) of the same section provides that:

(a) A street shall be deemed to be built-up if the aggregate length of the frontages of the buildings on both sides of that street forms at least half of the aggregate length of all the frontages on both sides of that street;

(b) Any part of a street, being part of not less than one hundred yards in length, may be treated by the owners of land having a frontage on that part of the street as being a street for the purposes of the section.

CAPITATION GRANTS TO COUNTY DISTRICTS

The people of the United Kingdom accepted for the first time in 1929 the principle that the inadequacy of local resources in certain of the local government areas of the country demanded and justified financial assistance from the National Exchequer to help meet the costs of local government services in those areas. Thus was born the subvention colloquially known as the Block Grant. As it finally appeared in the Local Government Act, 1929, it also contained elements intended to reflect the varying pressures on different areas of major classes of local authority expenditure such as education and poor relief. Our readers will recall that the formula was based on weighted population, the actual population figure being increased by percentages determined according to the following factors:

1. Children under five years of age—Excess over fifty of the number per thousand of population;
2. Rateable value per head of population—the extent to which it was less than £10;
3. Unemployment—where the number of unemployed (plus ten per cent. of the unemployed men) exceeded $1\frac{1}{2}$ per cent. of the population;
4. Sparsity of population in provincial counties—as measured by the population per mile of roads.

The full effect of the formula was never seen because although the new grants were introduced from April 1, 1930, the new formula was to be introduced gradually so as to come into complete operation at the end of seventeen years (that is, at the end of the first four fixed grant periods). During those seventeen years only a part of the total grants was to be distributed according to the formula—during the first seven years—twenty-five per cent., during the next five years—fifty per cent. and during the last five years—seventy-five per cent. The remainder of the money was to be used to compensate the counties and county boroughs for the losses they had suffered as a result of the changes brought about by the 1929 Act.

At April 1, 1937, therefore, the formula came into operation to the extent of fifty per cent.; this should have been increased to seventy-five per cent. from April 1, 1942, but owing to the outbreak of war the further operation of the formula was suspended and grants were "frozen" at the amounts then payable.

Payments based on the formula were made only to counties and county boroughs: the county districts received a flat rate grant per head of population calculated in the case of urban authorities by dividing one half of the total county apportionments (excluding London County Council) by the unweighted population of those counties. Rural district councils received grants at one-fifth of the capitation rate for urban authorities. In Command Paper 3134 presented to Parliament in June, 1928, the Minister of Health stated in relation to these grants:

"These proposals in regard to the distribution of grant within each administrative county have been framed with special reference to the very considerable changes in the incidence of rates within the county involved in the transfer of poor law and certain highways to the county councils. In the great majority of cases rural districts would, on balance, obtain a large measure of relief from this widening of the area of charge at the expense of boroughs and urban district councils, who would not only be required to bear their rateable share of the heavy expenditure on rural roads transferred to the county, but would also remain responsible for their own unclassified streets. In addition, urban authorities will be responsible for carrying on other services not ordinarily provided in rural districts. The distribution of the grant to borough and district councils on an actual population basis and the calculation of grant to the rural districts at one-fifth only of the amount per head applicable to urban districts are considered to provide an adequate differentiation between urban districts and a reasonable and equitable balance between urban and rural interests. The grant payable to borough and district councils under the distribution will ordinarily be in excess of the actual loss of district rates due to derating, and will be applied by them in aid of the total rates required to be levied in their areas."

In 1945/46 when the Interim Supplementary Exchequer contribution was introduced under the provisions of the Local Government (Financial Provisions) Act, 1946, the ratio of Urban-Rural capitation grants was varied, the rural districts receiving this additional grant at one-third of the rate applicable to urban authorities.

The Local Government Act, 1948, abolished the Block Grant and substituted the Exchequer Equalization Grant. This grant is distributed with a much greater emphasis on inequality of rateable resources, the only general adjustment for varying expenditure burdens being that the number of children under fifteen are added to actual population to arrive at weighted population. In addition a few counties are allowed an additional weighting for sparse population per mile of roads. This weighted population is divided into the rateable value of the area, thus obtaining the rateable value per head of weighted population. The resulting figure is then compared with the national average and if less the area receives an equalization grant sufficient to bring the local figure up to the national average. No grant is payable where the local figure is above the national average. The county districts continue to receive capitation payments on the lines of those originated by the Local Government Act, 1929. Referring to this point in the Standing Committee of the House of Commons on December 11, 1947 (when the Local Government Bill was under consideration), the Minister of Health (Mr. Bevan) made the following statements:

"It must, first of all, be kept in mind that the county districts will receive relief by the reduction in the county precept where, of course, the grant is faded off. We discussed that in the earlier passage of the Bill. Therefore we must always add to the simple capitation grant, which the county districts receive, that further consideration, by virtue of the county precept, by which the ratepayer's burden will be reduced.

In the second place also, it must always be borne in mind that since 1929, there has been a number of transferred functions from the county districts to the county councils, and that, therefore, the county districts have not the same headings under which to spend their money. That being so, if we are sending out block grants from the centre, those grants must, necessarily, be in subvention of the carrying out of local services, and must find their way to the particular unit of local government responsible for the discharge of those services.

Where the county council receives in block grant less than that to which its county districts are entitled, it has to levy a rate itself to make up the difference. As the rate levied from its county districts is on the basis of rateable value and distributed on the basis of capitation, the worse off county districts will benefit at the expense of the better off county districts."

On March 12 this year in reply to a question in the House of Commons the Minister of Housing and Local Government announced that rating valuation could not be completed by April, 1953, and that the aim would now be to finish by April, 1956. He added: "In view of this the Government have decided to begin in the new financial year an investigation into the operation of the equalization grants. It must be understood that the Government cannot contemplate changing the system in any way which would increase the burden of grants on the Exchequer, but this investigation will have the scope and be conducted in the manner required for the statutory investigation in the year in which the revaluation comes into operation." We understand that the Local Authority Associations are now preparing statements of their views for submission to the Minister and in due course will doubtless be prepared to say, amongst other things, whether they consider the present system of payments to county districts satisfactory.

The capitation rates for the year 1952/53 are 18s. 4d. per head of population for non-county borough and urban district councils, and 9s. 2d. for rural district councils. These figures are calculated by dividing half the total of the Exchequer Equalization Grants payable to county councils (other than London) by the population of those administrative counties, again excluding London. This calculation gives the figure for urban authorities and the rural authorities receive half as much. The 2:1 ratio was reached presumably after considering national statistics and we believe that it fairly reflects the difference in average expenditure per head between the two classes of authorities. The amounts due are paid by the county councils who raise the necessary funds by precepting on county districts. The payments thus have a certain equalizing effect within individual counties because contributions to the county council are made on the basis of rateable value while the capitation payments received are based on population. This equalizing effect is not very great, however, and we sympathize with the inequity that exists at present which one example will serve to exemplify. An urban district fringing a rich county borough has a rateable value per head of £10 but because it is part of a county with an average rateable value per head of £4 it benefits very considerably (by way of a low county precept) from the large equalization grant received by the county council. At the same time it receives exactly the same capitation payment as a "poor" working class area whose rateable value is comprised mostly of small cottages and amounts only to £3 per head.

It may therefore be worth while to consider alternatives. These broadly might fall under two heads, *viz.*, achievement of further equalization within individual counties or a country wide system dealing with county districts in the same way as now obtains for counties and county boroughs. A formula might be used similar to that which determines the Exchequer Equalization Grant. A redistribution of the total capitation payments within each county on this basis would give a fairer deal to areas with the lower rateable values per head of population but the remaining "rich" areas might find their rates increased by substantial amounts. If the scope of the equalizing arrangement were extended beyond individual county boundaries quite drastic effects might follow as between one county and another, and there seems no way of avoiding these results in view of the pronouncement of Mr. Macmillan that no additional burden could be allowed to fall on the National Exchequer as the result of any revision of the grant system. If some authorities receive more, others must go short.

While, therefore, we should be the last to suggest that a thorough investigation is not desirable or worth while, we are very conscious of the vested interests involved and feel that again this time the answer may be "No change" as it was when the question was explored some twenty years ago.

REMEMBRANCE

I even yet
Do not wholly forget
The days when I first set
Out
(with nowt)
But without doubt
I am bound to concede
That the memory is beginning to recede
And I dare say
That it will eventually fade away
And that I'll be just the same
As others you could name.

J.P.C.

CHIEF CONSTABLES' ANNUAL REPORTS, 1951

15. NEWPORT

The population is 106,200 and the area 7,873 acres. Authorized establishment is 185 men and six policewomen and the actual number engaged at the end of the year was 174. Sixteen men left the force, six to go on pension, one transferred to another force and nine resigned. The intake of recruits totalled twenty-nine.

Indictable offences rose from 1,140 to 1,426, forty-one *per cent.* were detected. "Offences of arson caused police and public alike considerable perturbation. These appeared to be in two phases; the first phase in the earlier part of the year was directed against enclosed premises, whilst the second, which broke out towards the end of the year, was confined almost exclusively to the burning of motor cars . . . Motor cars attacked were invariably owned by private residents and garaged adjoining the owners' houses . . . The police secured the conviction of one person for wilfully setting on fire two premises, but although unprecedented steps were taken to detect the person responsible for destroying motor cars, the police were unsuccessful in their efforts to make an arrest."

There were 207 juveniles dealt with by the courts for crimes, one aged sixteen was charged with attempting to commit suicide. Juveniles before the magistrates in 1950 numbered 169.

Licensed houses total 149 in Newport and there are sixty-five registered clubs; 170 people were prosecuted for drunkenness.

Road accidents caused nine deaths, the same number as in the previous year, and 420 people were injured against 386 in 1950.

16. WAKEFIELD

The population of the city is 59,305 and the area 5,299 acres. Authorized establishment is eighty-four including two policewomen. Eight civilians are engaged with the force. The actual number of regulars at the end of the year was eighty-one. Special constables number 101.

Indictable offences recorded were 716 against 506 the year before; sixty-two *per cent.* were detected. Property involved amounted to £10,221 of which £2,147 worth was recovered. Seventy juveniles were charged with crimes compared with forty-eight in 1950.

Four fatalities resulted from road accidents and injuries were sustained in 279 cases. Compared with the year before there was a decrease of five in the number of fatal accidents, but an increase of twenty-eight personal injuries.

There are 197 licensed premises and forty-nine registered clubs. Fifty-three men and eight women were prosecuted for drunkenness; seven persons were charged with driving whilst under the influence of drink against two in the previous year.

17. WALSALL

The population of the borough is 103,059 and the area 8,777 acres. The authorized strength is 146 men and seven women and at the end of the year there were nineteen vacancies. Seventeen civilians are employed at headquarters. "At the present time thirty houses have been built and occupied. A further eleven houses are now under construction and it is anticipated that they will be completed within the next few months . . ."

Indictable offences reported during the year were 1,097 against 1,048 in 1950; sixty-four *per cent.* were detected. One hundred and sixty-four juveniles were charged with crimes, in the previous year the number was 137.

Eight persons were killed in road accidents and 371 injured.

Licensed premises number 228 and there are fifty-three registered clubs. There were 120 cases of drunkenness, the same as last year. Twenty persons were prosecuted for driving whilst under the influence of drink.

Dealing with the system of policing, the report adds: "This year revolutionary changes have taken place in the policing of the borough. The beat system, which had operated for over 100 years, has now been replaced by a more highly mechanized method of policing known as the 'Team' system . . ." The main advantages of the Team System of policing have been found to be: more and better supervision . . . the flexibility of the system enables man-power to be quickly concentrated . . . uplift in morale is reflected in the increased volume of work being performed . . . isolated property on the outskirts of the borough can receive much better attention . . . immediate attention is given to all emergency calls, complaints and accidents.

18. WORCESTER

The population is 62,020 and the area 5,394 acres. The authorized establishment is 103 and the actual number engaged at the end of the year was ninety-four. In addition nine civilians are employed. During 1951 three probationers were appointed out of thirty-three applicants. "Many candidates were rejected as being unable to fulfil the necessary physical qualifications and a number were below the physical standard . . ." The effective strength of the special constabulary is 129. Forty-one houses are owned by the police authority. "There are twenty-three constables still awaiting suitable housing accommodation and these include men residing in rooms, those occupying old and unsuitable houses and several whose wives and families live in other districts. Home Office approval is being obtained for the erection of a further ten houses during 1952-53 . . ."

Indictable offences numbered 976 compared with 864 in the previous year; fifty *per cent.* were detected. "A satisfactory feature of the year's work is the high value of stolen property which was recovered, namely £29,640 stolen and £23,086 recovered.

The number of fatal road accidents was three, a decrease of six, and the total of persons injured was 308.

Licensed premises in the city number 201 and there are fifty-seven registered clubs. Forty-eight persons were charged with drunkenness against forty-four in 1950; two licensees were prosecuted.

19. HERTFORDSHIRE

The population of the county is 481,730 and the area 367,245 acres. Authorized establishment is 713 and the actual strength 608. "The personnel fell from 615 on January 1, 1951, to 587 in August. On August 3 the new rates of pay were introduced and recruiting at once began to improve but at the end of the year the losses had not quite been made good." Civilian staff total 100. The complement of special constables is 999, including eleven women. "During the year seventy-five men and two women were appointed; thirty-nine men resigned and four died, making a net increase of thirty-four."

Indictable offences reached 5,516 against 4,119 the year before, 2,003 were detected. The value of the property involved was £144,508 of which £34,848 worth was recovered. The number of crimes known to have been committed by

juveniles was higher than ever before, 610; in 1950 there were 507 juveniles dealt with by the courts. In 1939 the number was 306.

Dealing with road accidents the report records: "There has been a steady increase in the yearly accident rate over the past five years . . . Figures for 1951 show an increase of twelve-and-a-half per cent. over 1950 and seventy-six per cent. compared with 1946." Eighty-one people were killed against seventy-one the year before and the total of injured for the two years was 2,471 and 2,364.

"Two aspects of police work, crime and road accidents, can be taken to illustrate the growth in police work . . . crime has gone up seventy-five per cent. (since 1946 and accidents are indicated in the preceding paragraph). The sharpest rise in crime, amounting to thirty-two per cent., occurred in 1951. As might be expected with fewer policemen to deal with more crime the

percentage of detections fell, although the actual number of crimes detected was slightly higher than in 1950 . . . New demands on police manpower have been met by amalgamating rural beats and covering the larger areas by motor cycle patrols, by closing the smaller police stations for a large part of the twenty-four hours and by replacing police officers with civilian wherever possible . . ."

Two of four dogs authorized by the standing joint committee have completed their training. During the year they attended sixty scenes of crime. Two examples of the work done by these dogs are described in the report.

On the subject of housing, the police authority own 310 houses and quarters, in addition 116 residences are rented; ninety-eight men occupy their own accommodation, whilst forty applicants for houses are on the waiting list.

WEEKLY NOTES OF CASES

COURT OF APPEAL

(Before Singleton and Morris, L.J.J., and Lloyd-Jacob, J.)

BUCKINGHAM COUNTY COUNCIL v. CALLINGHAM AND ANOTHER

February 12, 13, 14, April 7, 1952

Town and Country Planning—Enforcement notice—"Works on land"—Contravention of previous planning control—Work done after town planning resolution—No permission under Town Planning (General Interim Development) Order, 1933—Town and Country Planning Act, 1947 (10 and 11 Geo. 6, c. 51), s. 75 (9).

APPEAL from an order of the Divisional Court of the King's Bench Division, reported 115 J.P. 587.

By s. 75 (1) of the Town and Country Planning Act, 1947, the provisions of Part III of the Act as to enforcement notices apply to works existing at the appointed day (July 1, 1948) which were carried out in contravention of previous planning control. By s. 75 (9) works on land are to be deemed to have been carried out in contravention of previous planning control where land was subject to a resolution to prepare a planning scheme, if carried out otherwise than in accordance with permission granted in that behalf by or under the "interim development order." "Interim development order" is defined by s. 119 (1) as meaning an order made under s. 10 (1) of the Town and Country Planning Act, 1932, i.e., the Town Planning (General Interim Development) Order, 1933.

The occupier of a piece of land constructed thereon a model village. By August, 1929, part of the village was completed, and no question arose as to that part. On September 24, 1929, the local authority passed a resolution to prepare a town planning scheme under the Town Planning Act, 1925. The village was substantially completed between that date and April 1, 1933, when the Town and Country Planning (General Interim Development) Order, 1933, made under s. 10 (1) of the Town and Country Planning Act, 1932, came into force, and after April 1, 1933, the model railway was extended and further buildings were added, but no permission for this additional work was obtained under the order of 1933. In October, 1950, the local planning authority served on the occupier an enforcement notice under the Town and Country Planning Act, 1947, s. 23 and s. 75 (9), requiring him to demolish or remove building, engineering and other operations on the land.

Held, the works completed before September 24, 1929, or begun or contracted for before that date were "existing buildings" within the order of 1933; the later works were "works on land" within s. 75 (9) of the Act of 1947; the words of para. (a) of that subsection covered works begun after the date of the resolution and completed before April 1, 1933, when the order of 1933 (which, by s. 119 (1) of the Act of 1947, was the "interim development order" for the purpose of para. (a)) came into force, as well as works so begun but not completed until after April 1, 1933; no permission for any of those works had been obtained under the order of 1933; and, therefore, the works had been carried out "in contravention of previous planning control" within s. 75 (9), and under s. 75 (1) the enforcement notice served under s. 23 (1) was good.

Counsel: *H. P. Stirling* (H. I. Willis with him) for the appellants; *W. L. Roots* for the local planning authority.

Solicitors: *Callingham, Griffiths & Bate*; *Sharpe Pritchard & Co.*, for G. R. Crouch, clerk of Buckingham County Council.

(Reported by C. N. Beattie, Esq., Barrister-at-Law.)

COURT OF CRIMINAL APPEAL

(Before Lord Goddard, C.J., Oliver and Byrne, J.J.)

R. v. BATCHELOR

April 23, 1952

Criminal Law—Sentence—Quarter sessions—Probation order—Prisoner arrested on another charge during continuance of sessions—Matter dealt with by recorder as outstanding offence—Sentence varied to imprisonment—Availability of conviction and sentence to qualify for preventive detention—Criminal Justice Act, 1948 (11 and 12 Geo. 5, c. 58), s. 21 (2).

Preventive Detention—Previous conviction disputed—Trial of issue—No right of challenge of jurors—Criminal Justice Act, 1948 (11 and 12 Geo. 5, c. 58), ss. 23 (1), 35 (1).

APPEAL against conviction and sentence.

The appellant was convicted at Plymouth Quarter Sessions of housebreaking and larceny. The service on the appellant of a notice under s. 23 (1) of the Criminal Justice Act, 1948, setting out three previous convictions, followed in each case by a sentence of imprisonment, was then proved. One of these was a conviction, at Plymouth Quarter Sessions in October, 1949, of larceny, followed by a sentence of three years' imprisonment. This was disputed by the appellant, and the same jury as that which had tried the charge against him were empanelled to try the issue whether the appellant had been convicted and sentenced as alleged, the appellant not being given any right of challenge. The jury found that the appellant had been convicted and sentenced as alleged, and the recorder sentenced him to eight years' preventive detention.

In October, 1949, the appellant had been convicted by a magistrates' court of larceny and committed to Plymouth Quarter Sessions for sentence under s. 29 (1) of the Act of 1948. The recorder placed him on probation. The following day, during the continuance of the sessions, the appellant was arrested on another charge of larceny, and at his request was brought back before the recorder, who was asked to deal with this further matter as an outstanding charge. He agreed to do so and altered his sentence to one of three years' imprisonment.

The appellant now contended that the proceedings leading up to the sentence of preventive detention were irregular in that (i) the procedure adopted in October, 1949, was irregular, and the conviction and sentence on that date ought not to be regarded as a conviction and sentence qualifying him for preventive detention; (ii) the trial of the issue whether the appellant had been previously convicted and sentenced was a nullity as the appellant had not been given his right of challenge.

Held (i) that, as a sentence can always be altered so long as the court is in session and until the document delivered to the gaoler as recording the sentence of the court is finally signed, the alteration of the sentence in October, 1949, was valid in law, and the conviction and sentence were available to qualify the appellant for preventive detention, but the practice adopted was undesirable and ought not to be followed, the proper practice in such a case being to prefer a fresh charge in respect of the outstanding matter; (ii) the right of challenge being now regulated solely by s. 35 of the Criminal Justice Act, 1948, and being by subs. (1) limited to "a person arraigned on an indictment for any felony or misdemeanour," the appellant had no right of challenge on the issue whether he had been previously convicted and sentenced. The appeal must, therefore, be dismissed.

Counsel: for the appellant *D. M. Scott*: for the Crown, *Dingle Foot*.

Solicitors: Registrar, Court of Criminal Appeal; *T. L. Wilson & Co.* for *Foot & Bowden*, Plymouth.

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

QUEEN'S BENCH DIVISION

(Before Lord Goddard, C.J., Oliver and Byrne, JJ.)

DIGBY v. HEELAN AND OTHERS

April 24, 1952

Larceny—Refuse collector—Scrap metal taken out of refuse collected—Animus furandi—Larceny Act, 1916 (6 and 7 Geo. 5, c. 50), s. 1 (1).

CASE STATED by a metropolitan magistrate.

An information was preferred at a metropolitan magistrate's court by the appellant, Digby, a police officer, charging the respondents, Heelan and others, refuse collectors, with larceny of scrap metal. The respondents were employed by the Camberwell Borough Council to collect general trade and domestic refuse and take it to contractors. The council gave an instruction to their employees that "all house and trade refuse, salvage and kitchen waste collected by council employees is the property of the council. Picking tots, such as bones, bottles, rags, salvage of any type out of dustbins or dust vehicles is forbidden." It was found by the Case that the object of that instruction was to prevent time being wasted. The respondents took some scrap metal out of the refuse which they had collected, because they thought it had some value, and sold it. The magistrate was of opinion that the position of a person who took an article of which he believed the owner wished to get rid was indistinguishable from that of a person who took an article which he believed the owner had abandoned, and, therefore, he held that there was no *animus furandi* and dismissed the information. The appellant appealed.

Held, that, while the court declined to lay down the proposition that there could not be a theft from an owner of property which was of no value to him and of which he did not intend to make any further use, the court could not say that on the evidence the magistrate was bound to find that the respondents had an *animus furandi*, and so the appeal must be dismissed.

Counsel: for the appellant, *Vernon Gattie*; for the respondents, *Godfray Le Queene*.

Solicitors: *Sharpe, Pritchard & Co.*, for *S. J. Harvey*, Town Clerk, Camberwell; *Rowley Ashworth & Co.*

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

SNODGRASS v. TOPPING

April 25, 1952

Food and Drugs—Selling milk to prejudice of purchaser—Prosecution by chief sanitary inspector—Authority to prosecute—Food and Drugs Act, 1938 (1 and 2 Geo. 6, c. 56), s. 3.

CASE STATED by Bury justices.

At a court of summary jurisdiction at Bury an information was preferred by the appellant, Arthur Edgar Snodgrass, chief sanitary inspector of the borough, charging the respondent, William Topping, with selling to the prejudice of the purchaser certain food, namely, milk, which was not of the substance demanded by the purchaser in that the said food was then deficient in fat. The information was laid by the chief sanitary inspector, who was the purchaser of the milk. The justices dismissed the information on the ground that the chief inspector had no authority to prosecute. They found that on December 7, 1944, the borough council authorized the chief sanitary inspector for the time being to lay informations in respect of prosecutions, but that the resolution was limited or controlled by a standing order, which was referred to by counsel, but never proved. The chief sanitary inspector appealed.

Held, that the appeal must be allowed and the case remitted to the justices with a direction to convict, as the statute contained no limitation on the common law right of any person, whether a person aggrieved or not, to take proceedings in respect of an offence, and, in any event, the prosecutor in the present case was the purchaser and any purchaser of an article of food found to be his prejudice was entitled to take proceedings.

Counsel: for the appellant, *Backhouse*; for the respondent, *Abdella*.

Solicitors: *Lewin, Gregory, Torr, Durnford & Co.*, for *Edward S. Smith*, Town Clerk, Bury; *Kingsford & Dorman*, for *Shasha & Hamwee*, Manchester.

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

CHANCERY DIVISION

(Before Lloyd-Jacob, J.)

UTTOXETER URBAN DISTRICT COUNCIL v. CLARKE AND OTHERS

April 24, 28, 29, 1952

Housing—Compulsory purchase order—Acquisition of house with land—No conversion of house for working-class dwellings—Power of High Court to review order—Housing Act, 1936 (26 Geo. 5 and 1 Edw. 8, c. 51), s. 79 (4); Acquisition of Land (Authorization Procedure) Act, 1946, (9 and 10 Geo. 6, c. 49), sch. 1, para. 16.

ACTIOVI for injunction.

An urban district council acquired a house and about seven acres of land by virtue of a compulsory purchase order made under Part V of the Housing Act, 1936, which was confirmed after an inquiry by the Minister. The owner did not appeal to the High Court against the order under sch. 1, para. 15, to the Acquisition of Land (Authorization Procedure) Act, 1946. He refused to give up possession, was evicted under a warrant issued by the sheriff, and re-entered the land a week later. In an action by the local authority for an injunction restraining the former owner from trespassing on the property, it was submitted by the owner (i) that the compulsory purchase order was bad on its face because the acquired property was not used for housing purposes; (ii) that the house was not immediately converted into suitable dwellings for the ratepayers which was a breach of the council's obligation under the Housing Act, 1936, s. 79 (4); (iii) that even if the council had a good possessory title, the court, in exercise of its equitable jurisdiction, would refuse to assist the council in the circumstances from evicting the former owner from the property which was unlawfully taken from him. It was submitted for the council that (i) by reason of sch. 1, para. 16, to the Act of 1946, the court could not go behind the compulsory purchase order, (ii) that the proposed use of the premises was known to the Minister in confirming the order, and (iii) that the council, having satisfied all the statutory requirements, were entitled to possession and the injunction claimed.

Held: (i) Having regard to the provisions of sch. 1, para. 16, to the Acquisition of Land (Authorization Procedure) Act, 1946, it was not open in these proceedings for the court to go behind the order as it was made and confirmed.

(ii) No obligation was imposed on an acquiring authority by s. 79 (4) of the Housing Act, 1936, to convert any building which was compulsorily acquired because that subsection related only to buildings acquired for conversion under s. 73 (b) of that Act.

(iii) The fact that land was acquired on the face of a compulsory purchase order for housing purposes and was not so used did not invalidate the order, and the local authority was entitled to use the land for the related purposes described in Part V of the Act of 1936.

(iv) In the circumstances it was the duty of the court to secure by appropriate means that the possessory title of the council should be safeguarded.

Injunction granted.

Counsel: *W. L. Roots* for the council; the former owner appeared in person.

Solicitors: *Gregory, Rowcliffe & Co.* for *F. S. Hawthorn & Son*, Uttoxeter, for the council.

(Reported by F. Guttman, Esq., Barrister-at-Law.)

NEW COMMISSIONS

NEWCASTLE-ON-TYNE BOROUGH

Sydney Morris Atkinson, 38, St. Anthony's Road, Newcastle-on-Tyne 6.

William Francis Blackadder, D.S.O., O.B.E., Chopwellwood House, Rowlands Gill, Co. Durham.

Edward Graham, 37, Amble Grove, Newcastle-on-Tyne 2.

Mrs. Gwendoline Cheesman, 53, Highbury, Newcastle-on-Tyne 2.

William Heppell, Elm Cottage, Ryton-on-Tyne, Co. Durham.

George Brumwell Lauder, 77, Wingrove Gardens, Newcastle-on-Tyne 4.

Philip Stanislaus Maguire, 9, Fern Avenue, Jesmond, Newcastle-on-Tyne 2.

Peter Henry Renwick, 690, Welbeck Road, Newcastle-on-Tyne 6.

Thomas Francis Robson, 198, Middle Street, Newcastle-on-Tyne 6.

The Hon. Elizabeth Margery Waller, Stavros, The Grove, Gosforth, Newcastle-on-Tyne 3.

RICHMOND BOROUGH

Mrs. Margaret Eileen Bromhead, Douglas House, Petersham, Surrey.

Alwyn Dwyer Evans, The Little House, Ham Common, Richmond, Surrey.

Murray Vines, Reston Lodge, Petersham Road, Richmond, Surrey.

MISCELLANEOUS INFORMATION

COSTS IN CRIMINAL CASES

Seven proposals embodied in the Costs in Criminal Cases Bill, 1952, are explained in a helpful memorandum and explanatory notes laid before Parliament by the Lord Chancellor. The proposals, consisting of corrections and minor improvements designed to facilitate the consolidation of certain enactments, are:

(1) To substitute a new paragraph for that in the Costs in Criminal Cases Act, 1908, s. 1 (1) (b), to make clear that the power of a court of summary jurisdiction to order costs to be paid out of local funds is not available where a child is charged with an offence that if committed by an adult is by the enactment creating it punishable on conviction on indictment or on summary conviction at the discretion of the court;

(2) To omit the words "to give evidence" in the Acts of 1908, s. 3 (1) and (2), in order to regularize and extend the power of the clerk to the justices to pay travelling and personal expenses on the spot to some persons additional to witnesses, in particular the prosecutor;

(3) To clarify the relation between the Summary Jurisdiction Act, 1848, s. 18, and the Act of 1908, s. 6, when dealing with courts of summary jurisdiction and examining justices but not as applied to superior courts; legal effect would be given to the convenient practice of recovering costs from the offender along with the fine, doubt would be resolved in favour of the existing practice of awarding costs against the prosecutor on dismissing an information for an indictable offence, two variations made consequent or contingent upon a previous proposal, and power to enforce certain costs awarded under the Act of 1908, s. 6, by High Court procedure would be taken away;

(4) To discontinue so much of the Metropolitan Police Courts Act, 1839, s. 31, as enables a metropolitan police magistrate to award costs to an unsuccessful party in a criminal case, thus putting these magistrates in the same position as other courts for this purpose;

(5) To substitute new provisions for the Criminal Justice Act, 1925, s. 11 (1) and (2), to give legal effect to what is believed to be the practice regarding determination whether costs of prosecution shall be borne by the county fund or the general rate fund of a county borough where an offence is tried in an area different from *venue*;

(6) To correct a mistake in the Representation of the People Act, 1949, s. 150, so as to restore the law to its former state with regard to the award of costs against the prosecutor in certain circumstances in connexion with corrupt practices;

(7) To repeal the Inebriates Act, 1899, s. 1, and the Summary Jurisdiction Act, 1879, s. 28, seeing that the small branch of the law covered by this proposal is academic because there are now no certified inebriate reformatories, and a prosecution under the Inebriates Act, 1898, s. 2 would therefore be futile.

KENT WINDMILLS TO BE PRESERVED

Kent County Council has made orders for the preservation of four windmills—Willesborough (Ashford Urban District), West Kingsdown (Dartford Rural District), Ash (Easby Rural District) and Wittersham (Tenterden Rural District). A preservation order was made earlier in respect of the Cranbrook windmill. The orders have been submitted to the Minister of Housing and Local Government for confirmation. The County Council believes that each of these windmills is of special architectural interest and among the few remaining windmills in Kent which are in such a state of repair as to merit preservation.

DISTRIBUTION OF GERMAN ENEMY PROPERTY

An Order-in-Council (a) making certain amendments of detail to the Distribution of German Enemy Property (No. 2) Order, 1951 (b), which have been found desirable in the light of experience, is published on March 28.

The original Order provides for the distribution of the proceeds of German enemy property to persons who establish claims in respect of German enemy debts.

The main effects of the new Order are:

(a) It enables claims to be made by the personal representatives of deceased British persons, irrespective of the nationality and residence of the personal representatives themselves.

(b) It excludes any claims arising out of a bond, except by the owner of the bond.

For the sake of convenience, the new Order also incorporates amendments made last November in the Distribution of German Enemy Property (No. 2) (Amendment) Order, 1951 (c), which is revoked. The Order came into force on March 28.

THE FREEDOM OF HIGH WYCOMBE

Award of the Honorary Freedom of High Wycombe was not always, apparently, so rare a distinction as it is today.

When he formally presented the Freeman's Scroll and Casket to Mr. Owen Haines, recently, the Mayor of High Wycombe Councillor

C. F. Ward, recalled that at one time the freedom of the borough could be purchased for 10*ld.*

Ancient records of High Wycombe, the Mayor pointed out, included one remarkable entry which notes: "On Tuesday, in the 40th year of the reign of King Edward III, it was ordained that every child of a burgess, who at the time appears to be the oldest, after the decease of his father, on claiming the freedom (of the borough), shall have the same on paying 10*ld.*, without any further payment—namely, to the Mayor *1d.*, to the clerk *4d.*, to the under bailiff *4d.*, to the gildsmen (guildsmen) *8d.*, and to the Master of St. John's *4d.*, he making the oath."

The Mayor also referred to an order made in 1613 by the then Mayor of Wycombe, Mr. William Shrimpton, that all apprentices should be enrolled before the Mayor and Recorder, to serve not less than seven years, after which they would become free men and women of the borough—the women, however, only so long as they should remain unmarried.

The History and Antiquities of Wycombe, also has this remarkable reference: "The Corporation of Chipping Wycomb, at the time of the election of members of this present Parliament, consisted of about one hundred voters; since which time Richard Shrimpton, the present Mayor, who was likewise chosen to that office in the year of 1722, by the contrivance of one Smales, an Alderman of that Town, had made above Seventy Honorary Freeman, scattered abroad in all parts of the Kingdom, by which means the said Shrimpton and Smales have been alternately chosen into the Office of Mayor of the said Borough, exclusive of the rest of the Corporation."

BELGIUM: REMOVAL OF RESTRICTIONS UNDER THE TRADING WITH THE ENEMY ACT, 1939, AND THE CUSTODIAN OF ENEMY PROPERTY ORDER

By reg. 6 of the Defence (Trading with the Enemy) Regulations, 1940, Custodian and Board of Trade control was continued over the property in the United Kingdom of persons in areas, such as Belgium, which had ceased to be in the occupation of the enemy, until it was otherwise decided.

An order has now been made (S.I. 1952, No. 880) removing control (under the Trading with the Enemy Act, 1939, and orders thereunder) in respect of the money and property of persons resident or carrying on business in Belgium. In a few cases such money and property may also have come under the control of an Administrator of Enemy Property, and the latter's control is not affected by the Statutory Instrument.

Bank balances and moneys payable by bankers to or for the benefit of individuals or bodies of persons resident or carrying on business in Belgium are being released by the Custodian of Enemy Property to United Kingdom banks for the credit of the original account holder.

Applications for the release of moneys other than those described in the preceding paragraph which have been paid to, or of property which has been vested in, a Custodian of Enemy Property, only because the payee or owner was resident in Belgium, should be made to the Administration of Enemy Property Department (Branch 4), Lacon House, Theobalds Road, London, W.C.1.

Company secretaries, registrars and other persons concerned with transfer of securities or other property in respect of which authority under trading with the enemy legislation has hitherto been required only because the owner was resident in Belgium, should note that such authority is no longer required.

JAPANESE PROPERTY IN THIS COUNTRY

An Order in Council (a) has been made under the Japanese Treaty of Peace Act, 1951. It came into force on May 7.

The Order provides for the collection and realization of Japanese property in accordance with art. 14 of the Treaty which gives to the United Kingdom the right to seize Japanese property, rights and interests (with certain exceptions) within its jurisdiction. It provides for the appointment by the Board of Trade of an Administrator of Japanese Property with certain powers and duties for those purposes. The Administrator will then deal with the proceeds of collection and realization of Japanese property in this country in accordance with Treasury directions.

Every person who holds, controls or manages Japanese property or owes a debt which is Japanese property is required to furnish particulars thereof to the Administrator within three months from the date when the Order came into operation, unless particulars have already been furnished to a Custodian of Enemy Property. A similar

(a) The Japanese Treaty of Peace Order, 1952, Statutory Instrument 1952, No. 862, price 6*d.*

obligation is also imposed upon any company, municipal authority, or other body, when the Japanese property consists of shares, stocks or other securities issued by such company, authority or body, or any right of interest therein. The Administrator may, by notice, require the production of books, documents or information. The Order prohibits any dealing with "Japanese property" as defined except with the consent of the Administrator.

The Order gives legal effect to those provisions of the Japanese

Peace Treaty and Protocol, signed on September 8, 1951, which require to be made part of municipal law.

The Order applies with certain modifications to the whole of Her Majesty's dominions (except the Dominions) including Scotland, Northern Ireland, the Channel Islands and the Isle of Man and to the protected territories specified in the Second Schedule to the Order.

The address for correspondence arising out of the Order is the Administration of Enemy Property Department, Lacon House, Theobalds Road, London, W.C.1.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 43.

AIDING AND ABETTING. A LICENSEE CONVICTED IN UNUSUAL CIRCUMSTANCES

On April 16, 1952, a builder pleaded guilty at Huddersfield Magistrates' Court to being in charge of a motor car when under the influence of drink and was fined £25 and ordered to pay £3 3s. costs; he was also disqualified from driving for twelve months.

The licensee of a local hotel pleaded not guilty to a charge of aiding and abetting the builder's offence and was represented by counsel.

For the prosecution, evidence was given that a police constable off duty was in the licensee's hotel when he saw the builder there in a very drunken condition. He saw the builder drink whisky and knew that outside the hotel was a car belonging to him. He communicated with police headquarters and later took up observation outside the hotel with a sergeant and another police constable.

Later that night the policemen saw the builder being assisted by the licensee from the hotel to his car. The builder was staggering from one side of the pavement to the other and the licensee was holding his arm. The builder, when he reached the car, started to move round it holding on to the bonnet, and the licensee assisted him from behind and then opened the driving door. The builder fell and slumped on to the driving seat with his feet hanging out of the car. The licensee lifted his feet into the car and slammed the door. The engine of the car was started and at this point the police arrived and the licensee walked quickly back to his hotel.

The licensee was later seen by the police and explained that the builder was an old friend of his and that he had met him that afternoon in a club and at 7.30 p.m. he had tried to persuade the builder to go home because he had had enough to drink, but he went to his (the licensee's) house and later insisted on driving home.

The licensee gave evidence on his own behalf and stated that he had held the licence of the hotel for five years without any conviction of any kind. He instructed his staff not to serve the builder with drinks on their return from the club to the hotel as he knew that he had had enough liquor and that he had a car. He pressed the builder to let someone else drive the car for him or to go home by taxi and he also invited the builder to stay the night at his hotel. The latter agreed provided that he could have one more drink, but this request the licensee refused. "I had done everything I possibly could to stop him from driving his car," continued the licensee. Corroborative evidence was given by witnesses for the defence and counsel submitted that if the licensee was convicted a "new terror" would be added to his life. He stressed that the licensee had no power to prevent a man from driving his own car.

The learned stipendiary magistrate, Mr. W. R. Briggs, said that the licensee, after doing his best to dissuade the builder from driving, helped him to his car knowing full well that he intended to drive. He, therefore, aided and abetted and would be convicted. The licensee was fined £10 and ordered to pay £2 2s. costs.

COMMENT

The writer is indebted to the Chief Constable of Huddersfield, and to Mr. C. Drabble, clerk to the Huddersfield Justices, for information in regard to this case.

Mr. Drabble states that on the conviction of the licensee, the question arose as to whether the disqualification for holding or obtaining a licence to drive a motor vehicle prescribed by s. 15 (2) of the Road Traffic Act, 1930, applied to him, having regard to the provisions of s. 5 of the Summary Jurisdiction Act, 1848, with reference to the punishment of aiders and abettors.

Counsel for the defendant submitted that the punishment for an offence under s. 15 of the Road Traffic Act, 1930, was contained in subs. 1 of that section and that the duty to order a period of disqualification for holding or obtaining a driving licence, in the absence of special circumstances, was to be found in a separate subsection and had no application to a person convicted of aiding and abetting.

He drew attention to subs. 4 of s. 11 of the Road Traffic Act, 1930, which makes special provision for the disqualification of a person convicted of aiding, abetting, counselling or procuring or inciting the commission of an offence under that section, if proved to have been present in the vehicle at the material time, and to the absence of any similar provision in s. 15.

The court accepted counsel's submission and did not make an order of disqualification in the case of the licensee.

It would be of interest to know whether the problem outlined above has come up for decision in other magistrates' courts. The writer is not aware of any previous decision on this point and it appears to him that there are weighty arguments on both sides. Section 5 of the Summary Jurisdiction Act, 1848, specifically provides, as is well known, that an abettor shall be liable offender and it would appear arguable that part of the punishment of an offender against s. 15 of the Road Traffic Act, 1930, is the provision for disqualification contained in subs. 2. On the other hand it appears to be a sound argument that Parliament did not intend an abettor of an offence under s. 15 to be in peril of disqualification for it omitted to provide in the case of this section the very detailed provisions which it enacted in the case of an abettor of dangerous driving under s. 11.

The other feature of this case which is of interest is the fact that it exemplifies the recent practice of the police of invoking the provisions of s. 5 of the Summary Jurisdiction Act, 1848, far more widely than in the past in connexion with motoring offences in their determined efforts to try and reduce the number of road accidents attributable to drink. R.L.H.

No. 44.

AN INSURANCE OFFENCE

A limited company appeared recently at Croydon Magistrates' Court to answer three charges of failing to pay insurance contributions in respect of employed persons contrary to s. 2 (6) of the National Insurance Act, 1946.

The company pleaded guilty to each charge and was fined £5 in respect of each charge and ordered to pay arrears totalling £98 9s. 9d.

The managing director of the company was also summoned in connexion with the matter, three summonses each alleging that the company, of which he was a director, had failed to pay insurance contributions in respect of employed persons and that the failure of the company was attributable to his negligence. The charges were laid under s. 2 (6) and s. 52 (3) of the Act of 1946.

For the prosecution it was stated that the managing director was seen in September last year by an inspector of the Ministry, who issued new cards for stamping from that date. The inspector saw the cards in January this year and they had not been stamped.

The managing director, who pleaded guilty and was fined a total of £9, told the magistrates that he looked after the works side of the business and left the office work to other people. It was not until the inspector came to see him that he found that the cards had not been stamped.

COMMENT

Section 52 (3) of the Act provides that where an offence under the Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and shall be liable to the same maximum penalty as the body corporate, viz., £10.

(The writer is indebted to Mr. Oliver A. Milan, clerk to the Croydon Justices, for information in regard to this case.)

PENALTIES

Llanelli—April, 1952—(1) using a motor lorry without efficient brakes, (2) no efficient silencer—(1) fined £5, (2) fined £1.

Staple Hill—April, 1952—stealing one gallon of petrol—fined £20.

Defendant, a fifty-two year old signalman, asked for three outstanding charges involving a total of three gallons of petrol to be taken into consideration.

Oxford—April, 1952—driving under the influence of drink—fined £10.

BRIDAL TRAIN

We have more than once had occasion, in these columns, to refer to the hurry and bustle of modern life, and there are but few social transactions which still proceed at the old leisurely pace. Patients are rushed to hospital by air, or some essential serum is flown almost to their bedsides; obscure persons attain fame and wealth overnight by a lucky hit among the permutations and combinations of the football-pools; oral communication can be established between London and San Francisco in a matter of minutes, and even death, in the present-day world, is more likely to be sudden than otherwise. Cricket and credit are almost the sole remaining institutions which demand prolonged preliminary formalities to get them going, and the operations of which move, if they move at all, in a deliberate and unhurried manner.

Until comparatively recent times the wedding ceremony and its attendant festivities fell into the static rather than the dynamic category. The bridegroom's modest appearance at the chancel steps, with the best man by his side, both in attitudes of deprecating self-effacement; the traditional pause for the arrival of the bride; her real or simulated hesitancy at the entrance to the church and her procession towards the altar to the strains of the Wedding March from *Lohengrin*, played *adagio*; the solemn and impressive enunciation of the operative words by the officiating clergyman, and the more or less reluctant responses from the parties chiefly concerned—all seemed to breathe a languid restfulness, to tranquillize and lull the spouses and their families into passive acceptance of the first act of the grim drama unfolding before them. Nor was the wedding breakfast, and the state of gorged repletion which ensued, calculated to disturb the sedative atmosphere; and the congratulatory speeches which followed were conducive rather to somnolence than to energetic activity. After several hours so spent, hosts and guests alike were wont to leave the convivial board outwardly smiling and rejoicing, but in their inmost souls devoutly desiring nothing so much as a good, long sleep.

These things are ordered differently today, when the accelerated tempo of life leaves little time for measured stateliness. A recent despatch from the Suez Canal Zone to *The Times* describes the marriage between a British sergeant engine-driver and his bride "in an elderly railway-coach converted for the ceremony into a register office." After the ceremony, we are told, "the sergeant took his bride for a trip on the footplate of a locomotive; but as he had been derailed three times during the recent disturbances, he kept this triumphant honeymoon-journey as short as was festively possible."

The message does not state that the coach was in motion during the ceremony, nor whether the "derailment" and "disturbances" referred to are to be taken in a literal or marital sense, but the episode both suggests an instructive contrast with the past and sets a useful precedent for the future. The institution of the honeymoon takes its origin, as everybody knows, from the rude days when the fiery, impulsive lover swept down with his followers upon the bride's home, subdued with fire and sword the resistance of his intended "in-laws" and carried her off by force across the saddle-bow of his steed. Such abductions have been celebrated in literature and art from the early legends of Paris and Helen, the Lapiths and the Centaurs and the rape of the Sabine Women to the drama of *Peer Gynt* and the popular novels of Robert Hichens; although in the

To pay £3 10s. 6d. costs. Suspended from driving for three years. Defendant, a lorry driver, drove the front part of an articulated lorry ten miles without realizing he had lost the rear part—a trailer 7ft. wide and between 24ft. and 30ft. long. Defendant had three previous convictions for exceeding the speed limit.

nineteenth century it became *de rigueur* for the ladies to refer in shuddering anticipation to the practice as "a Fate Worse than Death," it must on the whole be admitted that they generally settled down and made the best of a bad job in a surprisingly short time. Their graceful acquiescence in capture does not seem necessarily to have been dependent upon the formality of a marriage ceremony to set the seal of respectability upon their status. Nor do the romances record how often, for the man, close contact led to satiety; many such a bride must have caught a severe cold on her journey across the mountains or the deserts, and this, coupled with the bruising caused by travelling several hundred miles in an uncomfortable posture on horse-back, or even camel-back, must have brought about such a whimpering, snivelling and snuffling, and such deterioration in her appearance, as frequently to lead the ravisher to dump his burden somewhere *en route*, thanking heaven for the opportunity of avoiding the worst consequences of his impulsive conduct.

In the days before the law relating to marriages in Scotland was amended, runaway weddings were much in fashion; but the couples were compelled to undergo the fatigues and suffer the dishevelment caused by a railway journey of many hours before they could make their declarations in the blacksmith's forge at Gretna. There is nothing like the vicissitudes of travel for damping down the ardour of romantic passion, as the eloping pairs found in *The Dover Road*; the tenderness of womanly adoration is unlikely (as Mr. A. A. Milne has shown) to survive the appearance of her swain at breakfast unshaven, in a borrowed, ill-fitting dressing-gown and a vile temper; nor are a man's protective instincts likely to be aroused by the sight of his beloved with hair unkempt, a black smut on her cheek and her nose red and unpowdered. In Dickensian days the risk was even worse; readers of *Pickwick* will remember that it was after a long and tiring journey by chaise, from Dingley Dell to Southwark, that Mr. Alfred Jingle was induced for a moderate sum, and without any considerable difficulty, to relinquish his prospects of connubial bliss with Miss Rachael Wardle. In all these cases the lapse of time between the rash impetuosity of the act of elopement and the considered deliberation of the wedding ceremony afforded to one of the parties (gallantry forbids us to say which) what the law calls a *locus poenitentiae*—an opportunity for second thoughts—which might be, and frequently was, fatal to the resolution of yesterday.

If now the example of the military wedding in the Canal Zone is to be widely followed, yet another of the crude defences of the weaker sex will go down before feminine pertinacity and the skill of the huntress. If the time is coming when every railway-train contains a mobile marriage registry; if the vehicle of elopement carries the victim into matrimony *en route*, and the trap is sprung the moment the carriage-door slams to behind him, a new and unlooked-for hazard will be faced by every male traveller, in comparison with which the ordinary risks of collision and derailment fade into insignificance. Several consequences are likely to follow at once. The first will be a boon in road-transport and an increased demand for seats in the motor-coaches and charabancs, especially on the part of commercial travellers, who as a race are peculiarly susceptible to feminine wiles. Secondly, among those unfortunate men who are compelled by urgency to make their journeys by train, there is bound to arise a clamour for carriages labelled "Gentlemen Only,"

and these must obviously be capable of being locked from the inside, to guard against the danger of feminine intrusion from the corridor. Next, on journeys where heaven knows how many potential husband-seekers may lurk on the platform of every intermediate station, some form of insurance against this new travel-risk must be provided; preliminary talks between the principal tariff-companies and the Railway Executive should begin without delay. Fourthly, in case these precautions should be insufficient to protect the male traveller, there is always the reassurance of the rhyming legend TO STOP THE TRAIN, PULL DOWN THE CHAIN; the byelaws will, however, require amendment to provide expressly that improper use of the alarm-signal shall be deemed not to include the emergency stoppage of coercive marriages.

Finally, since nomenclature is so important in all matters of reform, the locomotive appliance now called a "tender" should be known by some less suggestive name; the word "Pullman" also savours too much of compulsion on the one side and reluctance on the other, and should be abolished. "Sleeper," "berth," "bogie" and "buffer" all bear associations which are equally objectionable. If the lady-passengers, as a *quid pro quo*, demand that the word "baggage" be dropped from the porter's vocabulary, nobody is likely to object. A.L.P.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Tuesday, May 6.

NATIONAL HEALTH SERVICE BILL, read 2a.

HOUSE OF COMMONS

Monday, May 5.

FAMILY ALLOWANCES AND NATIONAL INSURANCE BILL, read 2a.

Wednesday, May 7.

AGRICULTURAL LAND (REMOVAL OF SURFACE SOIL) BILL, read 1a.
NEW TOWNS BILL, read 3a.

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THE WEEK IN PARLIAMENT

From Our Lobby Correspondent

COURT OF CRIMINAL APPEAL

In the House of Lords, the Lord Chief Justice, Lord Goddard, initiated a debate on the powers of the Court of Criminal Appeal. He called attention to the recent case of *R. v. Devlin and Burns* for murder, and asked the House to consider how far the necessity for extra judicial inquiries after conviction and dismissal of an appeal would be obviated if the Court of Criminal Appeal had power to order a new trial.

He said that if Parliament gave the court power to order a new trial, it would not for a single minute enable a man who had previously been acquitted to be tried over again. Only a man who had been convicted could appeal to the Court of Criminal Appeal. They had no jurisdiction whatever over persons who had been acquitted. It was only when a person had been convicted and had appealed to the Court of Criminal Appeal that the question of granting a new trial could arise. The power to order a new trial would at least give a man a second chance of being acquitted. At present, the court could only quash the conviction or dismiss the appeal.

The Lord Chancellor, Lord Simonds, said that the matter had not been considered by the Government, nor was there such a weight of opinion behind Lord Goddard's views as would justify the Government in now introducing legislation, even if there was room in our crowded legislative programme for the introduction of a measure which was certainly controversial. The main argument against was the fear that a man who had been tried and convicted, upon a second hearing, might not get a fair trial, because the jury might know too much about the case.

Lord Simonds said that his personal view was most emphatically in favour of Lord Goddard's argument. He begged him to go on with his crusade, and said he was sure that in time the Court of Criminal Appeal would obtain the power to order a retrial.

OFFENCES AGAINST THE PERSON ACT

Mr. George Benson (Chesterfield) asked the Secretary of State for the Home Department the number of cases, since January 1, 1952, to the latest convenient date, in which proceedings had been taken under the Offences Against the Person Act, 1861, for ill-treatment of or injury to a child by the person or persons responsible for its care at the time of the offence; and whether he could give a list of the sentences imposed.

Sir D. Maxwell Fyfe replied that as far as he had been able to ascertain proceedings of the kind referred to were taken in seven cases in the period from January 1 to April 23 of this year. One case had not yet been disposed of, and in another the person charged was found insane on arraignment and ordered to be detained during Her Majesty's pleasure. In three cases, terms of imprisonment were imposed (of seven years, four years, and four months respectively). In one case the person convicted was placed on probation for two years, and in another the person convicted was bound over in her own recognizances for two years.

CRUELTY TO CHILDREN

Replying to an adjournment debate on cruelty to children, the Joint Under-Secretary of State for the Home Department, Sir Hugh Lucas-Tooth, said that in each of the four years from 1948 to 1951, the N.S.P.C.C. investigated about 40,000 cases of alleged cruelty. Of those cases, some 4,000 involved ill-treatment of some kind and led to 650 prosecutions by the N.S.P.C.C. In 1951, there were altogether 1,076 persons found guilty under s. 1 of the Children and Young Persons Act, of whom thirty were convicted on indictment.

Of the cases coming before the magistrates' courts in 1950, 253 were fined, 230 were imprisoned up to three months, 140 were imprisoned for three months and up to six months, and 326 were otherwise dealt with, mainly by probation order. Of the twenty-five cases in the higher courts that year, one ended in a fine, eight in imprisonment up to six months, four in imprisonment over six months and up to one year, three in imprisonment for over one year and up to two years, and nine were otherwise dealt with, no doubt mainly by probation order.

PART-TIME JUSTICES' CLERKS

At question time in the Lords, Lord Merthyr asked the Government whether a decision had yet been reached as to the payment of compensation to part-time justices' clerks who might lose their employment in consequence of the passing of the Justices of the Peace Act, 1949.

The Lord Chancellor, Lord Simonds, replied that that difficult question was at present under close consideration by the Government, and he hoped that a decision would be reached soon.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Acquisition of Land—Covenants—Notice to licensees.

My employing authority are proposing to acquire certain land in the borough for housing purposes under Part V of the Housing Act, 1936. The owners are agreeable to the sale of this land to my council and the purchase price has been agreed. There are, however, certain restrictive covenants on the land and it appears that the only way that these can be overcome is by the making of a compulsory purchase order as laid down in the Acquisition of Land (Authorization Procedure) Act, 1946, if it be assumed that the Lands Clauses Consolidation Act, 1845, does not apply to purchases by agreement for such a purpose.

The land in question was requisitioned during the war by the appropriate Minister and a number of nissen type huts were erected thereon which were used as army huts. When the war ended the huts were handed over to the council and have since been used for the accommodation of inadequately housed persons. The requisition, however, is still in force and presumably the Minister of Housing and Local Government is now entitled to the benefit thereof. The Ministry reimburse my council the costs of administration and keeping in repair the huts in question. The land was put up for sale by public auction some time ago by the owners but was withdrawn, after which my council, as already mentioned, entered into private negotiations for the acquisition thereof. If my council are successful in acquiring this land it is their intention to demolish a number of huts and replace them with permanent buildings. The Ministry have been approached tentatively and in principle seem in agreement with the idea.

Had the land been sold when it was put up for public auction it appears that the purchaser would have taken subject to the existing requisition and there would have been no question of his having purchased the huts. The position would appear to be the same if a compulsory purchase order is made, i.e., the land alone will be compulsorily acquired and the huts will remain in the ownership of the appropriate Minister.

The Acquisition of Land Act, 1946, requires notices of the making of any compulsory purchase order to be served on the "owners, lessees and occupiers" (except tenants for a month or any period less than a month) of any land included in the order.

I should be glad of your opinion on the following points:

1. Do you consider that a compulsory purchase order can properly be made when the purchase price is agreed, solely to secure the removal of restrictive covenants?

2. Do you consider that the Lands Clauses Acts are incorporated in the case of a purchase by agreement under the Housing Act, 1936, by virtue of s. 1 of the Lands Clauses Consolidation Act, 1845 (see *Cripps on Compulsory Acquisition of Land*, vol. 1, p. 610)?

3. Do you agree that if a compulsory purchase order is made there will be no question of my council's being involved in the acquisition of these nissen type huts?

4. Do you consider that notice of the making of compulsory purchase orders should be given to the present occupants of the huts? (It will be appreciated that these occupants have no legal interest in the land and are merely licensees).

5. Do you agree that a notice should be served on the appropriate Minister who might be deemed to be an occupier of the land?

DEN.

Answer.

1. As a general proposition of law, we do not think this is legally precluded, but you ask whether it is "proper". We do not think the power of compulsion, with its elaborate machinery, can be considered to have been given for this purpose. Fortunately, the purchase in this case is under the Housing Act, 1936, so that, if our opinion next following is right, the question need not here be considered further.

2. Yes; see s. 179 (g) of the Local Government Act, 1933, and sch. 7 thereto.

3. We agree. As we understand the position, they are not the vendor's property, but (legally) an excrement at present irremovable.

4. No; we do not regard them as "occupiers".

5. Yes.

2.—Execution—Judgment debtor entitled to share of estate of deceased person—Administration of estate.

Two adult unmarried sisters engaged in fraud were convicted in the magistrates' court and made restitution of about half their ill-gotten gains. They were sentenced to twelve months' imprisonment which

sentence they are now serving. One of the defrauded persons has obtained judgment against both sisters in the county court, but when execution was levied on the goods and chattels, mainly furniture, situate in the house of which both sisters had been the sole occupiers as tenants, they wrote to the registrar protesting. In the letter they stated that the furniture and goods and chattels belonged to their late mother who died some twelve months earlier and that they had failed to take out any grant to her estate. Presumably therefore this property is still vested in the President of the Probate Division. He might be a claimant if duly notified. Or creditors of the late mother's estate might succeed in obtaining a grant, leaving a balance to the sisters. What alternative remedies are open to the judgment creditor?

Answer.

We think it is open to the court to make a grant of administration of the mother's estate to the judgment creditor, not as being a creditor of that estate (which he is not) but by virtue of the discretion given by s. 162 of the Judicature Act, 1925, as amended. This needs careful consideration by the creditor before applying, because of administrator's liability to account. We are told that these women were tenants and their landlord may have a claim, as well as other creditors.

Alternatively, he can apply for appointment of a receiver, or get himself appointed receiver, of the debtors' interest in the mother's estate, *Fuggle v. Bland* (1883) 11 Q.B.D. 711; *Macnicoll v. Parnell* (1887) 35 W.R. 773. But this will get him nowhere unless he (or the other receiver), or somebody else, obtains a grant of administration. For practical purposes, much (as we see the case) depends upon whether there are substantial assets, and what is known about other debts. The sisters may have run up a host of liabilities, and the creditor who "stands the racket" of petitioning in bankruptcy, or administering an estate, may come to regret it. Fraudulent persons of this type are *de facto* in a strong position where an estate comes into their hands consisting of portable property, or even of real property capable

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WHERE THERE'S NEED—

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Salvation Army

of being occupied by them, because they can take possession of the assets and consume them, quite irregularly, whereas a creditor either of the deceased person or of the fraudulent possessors of the estate has to take steps regulated by law, which involve him in responsibilities.

3.—Licensing—Occasional licence—Whether may be granted so as to permit sales at on-licensed premises for avoidance of limitations on sales at those premises.

The owner of a large restaurant in this city holds the usual "restaurant" licence in respect of it. This licence is of course a full on-licence for the whole of the premises but has conditions attached, four of which are as follows:

1. There shall be no permanent bars for the sale of intoxicants to the public on the premises.
2. There shall be no off-sales.
3. Intoxicants shall only be supplied in the dining room.
4. Intoxicants may only be supplied to persons partaking of a bona-fide meal.

Adjoining the dining room and still part of the licensed premises is a ballroom which on occasions it is desired to let to private organizations for the holding of public dances. Some of the organizers wish to buy and consume intoxicants on the premises whilst the dances are in progress, but it will be realized that to do so the consumers must partake of a bona-fide meal in the dining room in accordance with conditions 3 and 4 above. As the majority of the dancers do not wish to have a meal, the owner has suggested that on the occasions of a dance an occasional licence in respect of the premises should be applied for by some other licensee, a bar set up, and drinks sold in the ordinary manner by the "outside" licensee.

As the ballroom is part of fully on-licensed premises I am in doubt as to whether an occasional licence can be granted in respect of it. Can you give me your valued opinion on this question please?

Answer.

Nolo.

An occasional licence may be granted, with the consent of a petty sessional court, to the holder of an on-licence, to sell intoxicating liquor "at such other place" as may be approved. (Revenue Act, 1862, s. 13; Licensing (Consolidation) Act, 1910, s. 64). There is nothing in licensing law to say that "such other place" shall not independently be licensed premises, and therefore it seems that a petty sessional court has an unfettered discretion in the matter.

4.—Local Government—Malicious damage to property not belonging to council—Expense of making good.

An unsuccessful applicant for a council house smashes the windows of premises belonging to the council's housing manager and the chairman of the housing committee. Both maintain that the council should meet the cost of repairing the damage.

The perpetrator was charged, but placed on probation, an order being made for recovery of damages at the rate of 5s. a week, which those concerned feel sure will not be paid.

Please advise:

1. Is the council liable?
2. What authority is there for payment?

Ese.

Answer.

1. No.
2. None.

5.—National Health Service (Service Committees and Tribunals) Regulations, 1948—Appearance before service committee.

Your answers to the following questions on art. 5 (1) of the above regulations would be appreciated:

(a) What difference (if any) is there between the "presentation of a case" and the "conduct of a case"?

(b) Is a person whom a service committee is obliged to permit to assist a party to an investigation to present his case entitled to (1) put questions "relevant to the matter in dispute to the other party or to any witness called by him, either directly, or, if the committee so direct, through the chairman of the committee"? (para. 1 (f) of sch. 1); (2) put questions to the party whom he is assisting and (3) address the committee?

(c) Does a person, e.g., a close relative, who would be otherwise entitled to assist a party to an investigation, become disentitled merely because he happens to be of counsel or a solicitor?

(d) What is the significance of the words "in the capacity of"?

(e) Since the proviso to art. 5 (1) says that no person shall be entitled in the capacity of counsel, etc., to conduct the case in the manner therein mentioned, does it mean that a service committee could in their discretion allow him to do so?

Devo.

Answer.

(a) The manner of using these words suggests that "presentation" is conceived as that which the party does himself, with or without "assistance," while "conduct" is that which in court is, normally, done by the professional representative of a party.

(b) (1) If the "assistance" desired by the party from the "other person" consists in putting questions, we think he is entitled to that form of assistance, so far as para. 1 (f) of sch. 1 extends. For an illiterate or tongue-tied person, the paragraph might be illusory if he had to ask questions in person. (2) We think not. (3) On the whole, we think so, for the reason given under (b) (1).

(c) No.

(d) The "close relative," for example, acquires no further or higher right of audience by reason of any professional status.

(e) We think so: see the proviso to para. 1 (f) of the schedule above mentioned. Whether this would normally be wise is another question.

6.—Public Health Act, 1925, s. 19—Name of street—Rights of property owner.

The council require to place on the wall of a house a name plate, under the provisions of s. 19 of the Public Health Act, 1925. The owner of the house refused permission when approached. The above section places an imperative duty upon the council to fix such name plates, and as a rule permission is usually first sought on courtesy grounds. It appears that as the council is under a statutory duty to affix name plates the consent of property owner is in fact unnecessary, and owners cannot, therefore, prevent such name plates being fixed to their properties. It seems also that the owner has no right of appeal as to the position or size of the name plate to be fixed. Will you kindly let me have your opinion on these points?

Fair.

Answer.

We agree that the council are under a statutory duty to indicate the names of streets in their area, and that consent of property owners is not necessary. We also agree that s. 7 of the Public Health Acts Amendment Act, 1907, as applied for several purposes of this Act, gives no right of appeal as to position or size of the means of indication. The section requires the indication to be in "a conspicuous position," and the council could be compelled to adhere to this requirement. This particular requirement is not, however, likely to be enforced by the owner.

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BOROUGH OF WISBECH

Appointment of Town Clerk and Chief Financial Officer

(Amended advertisement as agreed with the Society of Town Clerks)

APPLICATIONS are invited from solicitors under 50 years of age with wide municipal experience, for the whole-time appointment of Town Clerk, Solicitor, Chief Financial Officer, etc., to the Corporation at a commencing salary of £1,100 per annum and proceeding by annual increments of £50 to a maximum of £1,300 per annum.

The recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks as to Salaries and Service Conditions will apply to the appointment which will also be subject to the provisions of the Local Government Superannuation Act, 1937, and to termination by three months' notice in writing on either side. The successful candidate will be required to pass a medical examination.

The successful applicant will be required also to act as Clerk of the Burial Board, Clerk to the Pilotage Authority, Local Fuel Overseer, Clerk to the Port Health Authority, and such other appointments as are normally held by the town clerk and chief financial officer of a Borough, and will be required to pay any emoluments, fees or salaries receivable in respect of those or any other appointments (except the two following and those referred to in the said recommendations) into the Corporation's account.

The present Town Clerk is also Superintendent-Registrar of the Wisbech district and, if the successful applicant is appointed Superintendent-Registrar by the Isle of Ely County Council, the net salary payable in respect of that appointment shall be retainable by him, subject to a reasonable arrangement with regard to any administrative expenses falling on the Corporation. Subject also to the payment of any necessary superannuation costs, any fees payable in respect of the registration of electors may also be retained by the successful applicant.

Applications, giving particulars of age, qualifications, experience, previous and present appointments, and the names and addresses of three referees, must be delivered to the undersigned not later than May 31, 1952.

Applicants must state whether to their knowledge they are related to any member or senior officer of the Council. Canvassing will disqualify.

J. E. SIDDALL,
Town Clerk.

Town Hall,
Wisbech.
May 13, 1952.

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The recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks as to salary scales and conditions of service have been adopted. Both appointments will be subject to the provisions of the Local Government Superannuation Acts and to three months' notice on either side. The successful candidate will be required to pass a medical examination.

The date on which the successful applicant is to take over the duties will be fixed by arrangement.

Applications, endorsed "Town Clerk," stating age, qualifications and experience, accompanied by copies of two recent testimonials, together with the names of two persons to whom reference can be made, should reach the undersigned not later than May 30, 1952.

Canvassing, either directly or indirectly, will be a disqualification.

C. F. NICHOLSON,
Town Clerk.

Town Clerk's Office,
Folkestone.
May 16, 1952.

CITY OF COVENTRY

Appointment of Third Assistant in Justices' Clerk's Office

APPLICATIONS are invited for the above mentioned full-time appointment from only those applicants who have a sound knowledge and general experience of the work of a justices' clerk's office, and are capable of acting as clerk of the court. Applications should detail the kind of work they have been doing.

The salary payable will be within the scale A.P.T. V (a) of the National Joint Council for Local Authorities (£600 × £20—£660 per annum). The successful candidate may be appointed to the maximum scale within the discretion of the justices. A local award is also payable if the officer is a member of a trade union which is recognized by the Trade Union Congress as an appropriate organization for local government officers (N.A.L.G.O. is such a trade union). The local award in Coventry is £26 per annum. The successful applicant will be required to pass a medical examination and to contribute to the Superannuation Fund and the Staff Widows and Orphans Pensions Fund. The appointment will be terminable by one month's notice on either side.

Applications, stating age, marital condition, present and past appointments, education, qualifications and full particulars of experience, together with copies of three recent testimonials, should be sent to the Clerk to the Justices, St. Mary's Hall, Coventry, by Saturday, May 31, 1952.

R. L. BARLOW,
Deputy Clerk to the City Justices.
St. Mary's Hall,
Coventry.

BOROUGH OF ECCLES**Appointment of First Assistant to Clerk to the Justices**

APPLICATIONS are invited for the above appointment.

Applicants should have had extensive experience of the duties of an assistant to a Justices' Clerk, including the typewriting of depositions and be capable of acting as Clerk of the Court when required. The salary will be equivalent to Grade A.P.T. V of the N.J.C. Scales (£570—£620 per annum).

The appointment is subject to the provisions of the Local Government Superannuation Act, 1937, and the successful candidate will be required to pass a medical examination.

Applications, stating age and particulars of experience, with names and addresses of three persons to whom reference may be made, and endorsed "First Assistant," should reach the undersigned not later than May 30, 1952.

G. S. GREEN,
Clerk to the Justices.

Magistrates' Clerk's Office,
The Court House,
Irwell Place, Eccles.

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APPLICATIONS are invited for the appointment of an Assistant Principal Probation Officer in the area of the Staffordshire Combined Probation Committee.

The appointment will be subject to the Probation Rules and the salary will be in accordance with the Rules, namely from £675 per annum rising by annual increments of £25 to £775 per annum. The selected candidate will be required to pass a medical examination and to provide his own car for which a travelling allowance will be made.

Applications, stating age, qualifications and experience, and accompanied by copies of not more than three recent testimonials, must reach the undersigned not later than May 31, 1952.

T. H. EVANS,
Clerk of the Peace.

County Buildings,
Stafford.
May 7, 1952.

NORFOLK COUNTY COUNCIL

APPLICATIONS are invited for the appointment of Junior Assistant Solicitor in the department of the Clerk of the County Council. Applicants should have a good general experience of legal work, and in particular of conveyancing and advocacy. The salary will be in accordance with Grades Va or VII, namely £600 × £20 to £660 or £685 × £25 to £760 per annum according to experience.

The appointment is on the permanent staff and subject to the Local Government Superannuation Acts; a medical examination will be required. Applications, accompanied by the names and addresses of three persons to whom reference can be made, should be made on forms obtainable from this office, and should reach me within fourteen days of publication of this advertisement.

H. OSWALD BROWN,
Clerk of the County Council.

County Offices,
Thorpe Road,
Norwich.

BOROUGH OF HOVE**Appointment of Junior Assistant Solicitor**

APPLICATIONS are invited for the post of Junior Assistant Solicitor at a salary in accordance with Grade VI of the National Salary Scales (Grade VII after two years' legal experience from admission).

Applicants must have a good knowledge of conveyancing and be prepared to undertake advocacy. Previous local government experience is not essential but will be an advantage.

The appointment is subject to the provisions of the Local Government Superannuation Act, 1937, and the successful candidate will be required to pass a medical examination.

Applications, stating age, qualifications, experience, and the names of three referees must be delivered to me not later than May 26, 1952. Canvassing will disqualify.

JOHN E. STEVENS,
Town Clerk.

Town Hall, Hove.

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